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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,524	03/30/2001	Gregory Kent Plunkett	21426-013	8698

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EXAMINER

SMITH, TRACI L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/823,524

Applicant(s)

PLUNKETT ET AL.

Examiner

Traci L. Smith

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/23/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-10 and 12-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-10 and 12-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. This action is in response to papers filed on March 23, 2005.
2. Claim 11 has been cancelled.
3. Claims 3, 14 and 27 have been amended.
4. Claims 34-37 have been added.
5. Claims 3-10 and 12-37 have been rejected.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 3-10, 12-33 are rejected under 35 U.S.C. 102(b) as being anticipated by www.erieri.com. (any linkage on (2000): \*March 02, 2000).
8. As to claims 3, 14 and 27 a system and method for selecting job categories and providing compensation information over a network.( Pgs. 53) and retrieving requested information from database(Pg. 12 ¶ 14) then transmitting comparison information to user(Pg. 13 ¶ 3).
9. As to claims 4-8, 15-17, 19-21 and 29-31 prompts including postal code, cities, states and job categories. (Pg. 53 Ref. A-E)
10. As to claims 9, 22 and 28 compensation information includes salary. (Pg 5 l. 5)
11. As to claims 10, 23 and 29 salaries are percentiles associated with jobs selected.( Pg. 4 l. 21-22 & Ref A<sub>1</sub> & Pg 45 L. 3-5)

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12. As to claim 12 a graphical display of compensation information.(Pg 4 Ref A)
13. As to claim 18 database of compensation information associated with job description.( Pg. 24 L. 25-27).
14. As to claim 24 allows user selects multiple job descriptions for comparison. (Pg. 4 L. 33-36)
15. As to claim 25, comparisons are of different geographic locations for the same job class and averages.(Pg. 4 l 16-21 & l. 23)
16. As to claim 26 a computer readable medium to be read by a processor(Pg. Pg. 24 L. 18-20)
17. As to claim 32 user selection of comparison information associated with selected jobs.(Pg. 12 ¶ 4 & Pg 13 ¶ 3)
18. As to claim 33 user selection of comparison information from various different options such as geographic location, cost of living, compensation, job industry. (Pg. 9-10).

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claims 13 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over [www.eri.com](http://www.eri.com). (any linkage on (2000): \*March 02, 2000) as applied to claims 3-10, 12-33 above, hereinafter referred to as [eri.com](http://www.eri.com) and further in view of [www.careerbuilder.com](http://www.careerbuilder.com) retrieved June 20, 2005, anylinkage February 29, 2000; hereinafter referred to as [careerbuilder](http://www.careerbuilder.com).

22. As to claims 13 and 34-37 [eri.com](http://www.eri.com) teaches a system and method for providing salary compensation information based on user input requests. However, [eri.com](http://www.eri.com) fails to teach providing links to job opportunity information. [Career](http://www.careerbuilder.com) teaches a salary compensation system and method (pg. 6) which provides a link (Pg. 6 Ref A) that provides the user with job opportunity information. (Pg. 10-11). It would have been obvious to one skilled in the art at the time of invention to combine the teaches of [careerbuilder](http://www.careerbuilder.com) with [eri.com](http://www.eri.com) so as to allow a user that is considering a career move the opportunity to see if jobs are available in a desired area once a salary has been determined. Although [eri.com](http://www.eri.com) fails to teach the links being displayed "adjacent" to certain data these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed regardless of the location of the links. The location is merely a design choice and is not patentably distinct. Thus, this descriptive material will not distinguish the claimed invention from

the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir. 1994).

***Response to Arguments***

23. Applicant's arguments with respect to claims 3, 11, 14 and 27 have been considered but are moot in view of the new ground(s) of rejection.

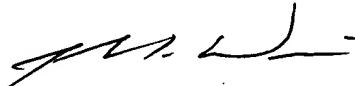
***Conclusion***

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 572-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tls



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